

contract ; yet, that with other circumstances, will afford a sufficient foundation for relief.(r)

What is that degree of intellectual imbecility which may be taken into the estimate as one of the component parts of a ground for relief, in those cases where the boundary between mere weakness and a condition of *non compos mentis* is so narrow that it may be difficult to draw the line,(s) I shall not undertake to determine, as I have not been able to find it any where particularly described.(t) It must not, however, be confounded with mere ignorance. If the grantor be an ignorant and illiterate man, one who cannot read ; it is necessary, that the deed should be fully and correctly read to him ; for, if it is not read at all, or improperly read to him, or if it be read or explained to him improperly even by a stranger,(u) he will not be bound by it ; not on the ground of weakness of mind, or of his incapacity clearly to judge of what he was about ; but because his sound mind cannot be presumed to have assented to that of which it was wholly ignorant or misinformed.(v)

It has been laid down in general terms, that it is fraudulent to obtain a deed by the exercise of undue influence over a man whose mind had ceased to be a safe guide of his actions ;(x) or from a man who was of small understanding and not able to govern the lands which had descended to him.(y) A woman who could read and write, and had taught a child to read, was held to be a person of weak understanding ;(z) so repeating scraps of Latin and reading classic authors was deemed no proof of sanity ; because what a person learns in his youth leaves a lasting impression, and the traces of it are never entirely worn out. Such a person, though not a lunatic, was determined to be a weak man.(a) In another case it is said, that the man was foolish to imbecility, though not to downright idiocy.(b) A man who had entirely recovered from a long continuance of lunacy is said to have been of a diseased intellect from his birth.(c) A young man is said to have been of mean parts and easy to be imposed upon.(d) A person is spoken

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(r) *Osmond v. Fitzroy*, 3 P. Will. 130 ; *Willis v. Jernegan*, 2 Atk. 251 ; *Chesterfield v. Janssen*, 2 Ves. 156 ; *Lewis v. Pead*, 1 Ves. jun. 19 ; 1 Fonb. 66. (s) *Bennet v. Wade*, 2 Atk. 325.—(t) *Ball v. Mannin*, Shelf. Lun. 25S.—(u) *Thoroughgood's Case*, 2 Co. 9.—(v) *Henry Pigot's Case*, 11 Co. 27 ; *Hatch v. Hatch*, 9 Ves. 295.—(x) *Harding v. Handy*, 11 Wheat. 125 ; *Chesterfield v. Janssen*, 2 Ves. 156.—(y) *Twyne's Case*, 3 Co. 83.—(z) *White v. Small*, 2 Chan. Ca. 103.—(a) *Bennet v. Wade*, 2 Atk. 325.—(b) *Bunch v. Hurst*, 3 Desau. 292.—(c) *Wright v. Proud*, 13 Ves. 138.—(d) *Portengton v. Eglington*, 2 Vern. 189.